

**ZONING BOARD OF APPEALS
TOWN OF SHREWSBURY
MASSACHUSETTS
INFORMATION FOR PETITIONERS**

1. Basis for Appeals:

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit resulting from any administrative decision rendered in accordance with the provisions of Chapter 40A of the General Laws, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provisions of Chapter 40A, or any ordinance or Bylaw adopted thereunder, or by any person seeking a Special Permit.

2. When Appeal May be Taken:

An appeal to the Board of Appeals must be taken within thirty (30) days from the date of the order or decision being appealed or, in the case of a Special Permit, within a reasonable time after written advisement of need for said Permit.

3. How Appeals May be Taken:

Any appeal to the Board of Appeals must be made by completing a Form of Appeal, as supplied by the Board, and filing said form in the office of the Town Clerk. Accompanying such filing shall be:

1. One copy of the Town of Shrewsbury Tax Map(s) showing the subject property and all parcels located within 300 feet of its property lines. (May be obtained in the office of the Town Engineer.)
2. Three copies of the plot plan and/or site plan of the subject property.
3. Effective April 5, 1994, a filing fee of one hundred (100) dollars.

4. Form of Appeals:

All appeals must be in writing, in triplicate, and signed by the applicant or his attorney. These documents shall be filed in the office of the Town Clerk of Shrewsbury, Municipal Office Building, Shrewsbury. One copy is to be sent to the Building Inspector and one copy to the Clerk of the Board of Appeals. The Form of Appeal is attached hereto.

5. Conditions to be met for Granting of a Variance:

Before making a formal application for a variance from the Town of Shrewsbury Zoning Bylaws you, the appellant, must be aware of the conditions that must be met before the Zoning Board of Appeals may act favorably upon your request.

- (1) A hardship exists upon your land that requires you to apply for a variance. Example: A ledge or rock condition exists upon your property which does not allow you to construct within the conformity of the Bylaw. Financial hardship, by itself, is not reason for the granting of a variance.
- (2) The condition affecting your property is incidental to that property and does not generally affect other parcels within your zoning district.
- (3) A variance may be granted without substantial detriment to the public good. This is to say, for example, that excess traffic would not result by the granting of the variance, or that the rights of your neighbors would not be infringed upon.
- (4) A variance cannot substantially derogate from the intent and purpose of the Bylaw. Putting a retail store in a residential district is substantial derogation from the intent and purpose of the Bylaw. Varying a front yard setback from 30 feet to 10 feet would be, in most instances, substantial derogation from the intent and purpose of the Town of Shrewsbury Zoning Bylaw.

Your presentation before the Board should specifically relate to all four of these prerequisites. If in doubt, contact an attorney before filing your appeal. If your appeal is denied, then you would have to wait two years before reapplying. It is best to be fully prepared at the time of the hearing.

6. **Hearings:**

Due notice of the hearing will be given to the applicant, abutters, to owners of all land located within 300 feet of the applicant's property, and to other persons as the Board deems to be interested parties. The applicant may appeal in person or be represented by an attorney. The applicant will be given an opportunity to present witnesses and evidence. Persons appearing in opposition will also be given an opportunity to be heard. No cross-examination of the witnesses will be allowed except at the discretion of the Board. The Board may, in its discretion, permit arguments at the close of the evidence.

7. **Decision:**

The applicant will be notified, in writing, of the decision of the Board.

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FORM OF APPEAL

Name of Appellant_____

Address of Appellant_____

Location of Subject Property_____Tax Plate_____Plot_____

Owner of Subject Property_____

Address of Owner_____

Appeal for (Variance, Special Permit, Other)_____

Applicable Section of Zoning Bylaw_____

Pertinent Information: (Here set forth the reason or reasons for this appeal including all facts essential to the appeal and attach plans of the premises affected.)

The undersigned respectfully appeals to your Board for a public hearing concerning the above matter.

Signature of Appellant

Date

Signature of Property Owner

Date

